

SB 466

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SENATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



## ENROLLED

*COMMITTEE SUBSTITUTE FOR*

SENATE BILL NO. 466

(By Senator LOVE, ET AL)



PASSED MARCH 13, 1999

In Effect NINETY DAYS FROM Passage

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OFFICE OF THE  
SECRETARY OF STATE

## ENROLLED

COMMITTEE SUBSTITUTE

FOR

### Senate Bill No. 466

(SENATORS LOVE, HELMICK, SCHOONOVER, HUNTER, ROSS AND  
SNYDER, *original sponsors*)

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[Passed March 13, 1999; in effect ninety days from passage.]

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AN ACT to amend article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-two, relating to providing a criminal penalty for a division of corrections employee or contractor to engage in sexual intercourse or sexual intrusion with an incarcerated person; providing a criminal penalty for an incarcerated individual to engage in sexual intercourse or sexual intrusion with a division of corrections employee or contractor.

*Be it enacted by the Legislature of West Virginia:*

That article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be

amended by adding thereto a new section, designated section twenty-two, to read as follows:

**ARTICLE 1. ORGANIZATION AND INSTITUTIONS.**

**§25-1-22. Imposition of sexual intercourse or sexual intrusion on inmate; penalty.**

1 (a) Any person employed by the division of corrections or  
2 any person working at a correctional facility managed by  
3 the commissioner of corrections pursuant to contract, who  
4 engages in sexual intercourse or sexual intrusion with a  
5 person who is incarcerated in this state shall be guilty of  
6 a misdemeanor and, upon conviction thereof, shall be  
7 confined in the county or regional jail not more than  
8 twelve months or fined not more than five hundred dollars,  
9 or both.

10 (b) Any individual incarcerated in this state who volun-  
11 tarily engages in sexual intercourse or sexual intrusion  
12 with any person employed by the division of corrections or  
13 any person working at a correctional facility managed by  
14 the commissioner of corrections pursuant to contract shall  
15 be guilty of a misdemeanor and, upon conviction thereof,  
16 shall be confined in the county or regional jail not more  
17 than twelve months or fined not more than five hundred  
18 dollars, or both.

19 (c) As used in this section, the terms "sexual intercourse"  
20 and "sexual intrusion" shall have the same meaning as  
21 ascribed to those terms by the provisions of section one,  
22 article eight-b, chapter sixty-one of this code.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Randy Schoonover*  
.....  
Chairman Senate Committee

*Jeff. Smith*  
.....  
Chairman House Committee

Originating in the Senate.

In effect: ninety days from passage.

*Darrell Robinson*  
.....  
Clerk of the Senate

*Gregory M. Soy*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*John H. ...*  
.....  
Speaker House of Delegates

The within *affirmed* this the *25th*  
Day of *March*, 199*6*

*Jeff D. Underwood*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/99

Time 10:41am